## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

AMERICAN BROADCASTING
COMPANIES, INC., DISNEY
ENTERPRISES, INC., TWENTIETH
CENTURY FOX FILM CORPORATION,
CBS BROADCASTING INC., CBS STUDIOS
INC., FOX TELEVISION STATIONS, LLC,
FOX BROADCASTING COMPANY, LLC,
NBCUNIVERSAL MEDIA, LLC,
UNIVERSAL TELEVISION LLC, and OPEN
4 BUSINESS PRODUCTIONS, LLC,

No. 19-cv-7136 (LLS)

Plaintiffs,

v.

DAVID R. GOODFRIEND and SPORTS FANS COALITION NY, INC.,

Defendants.

## FIFTH JOINT STIPULATION AND [PROPOSED] ORDER MODIFYING CASE SCHEDULING ORDER

Plaintiffs American Broadcasting Companies, Inc., Disney Enterprises, Inc., Twentieth Century Fox Film Corporation, CBS Broadcasting Inc., CBS Studios Inc., Fox Television Stations, LLC, Fox Broadcasting Company, LLC, NBCUniversal Media, LLC, Universal Television LLC, and Open 4 Business Productions, LLC ("Plaintiffs"), and Defendants David R. Goodfriend and Sports Fans Coalition NY, Inc. ("Defendants"), by and through their counsel, respectfully submit this Fifth Joint Stipulation and Proposed Order Modifying the Scheduling Order in the above-captioned matter.

On January 31, 2020, this Court entered an initial Scheduling Order with deadlines set through the close of expert discovery on September 11, 2020. At the parties' joint request, this Court on May 12, 2020 entered an Order modifying the case schedule by extending the existing

deadlines by eight weeks. On July 6, 2020, September 3, 2020, and November 13, 2020, the Court entered additional Orders modifying the case schedule by extending the existing deadlines by approximately eight weeks each time.

As discussed with the Court during the status conference on January 15, 2021, the parties respectfully request that the Court enter the parties' agreed-upon modifications to the expert discovery schedule below, as well as the additional deadlines for summary judgment, Daubert motions, and the pretrial order, as well as the trial-ready date. This is the fifth time the parties have sought an extension or modification to the case schedule.

IT IS HEREBY STIPULATED AND AGREED, subject to the Court's approval, that the following deadlines are extended pursuant to the table below:

Event	Current Deadline	New Deadline
Burden-of-proof expert reports	Friday, January 22, 2021	Thursday, February 18, 2021
Rebuttal expert reports	Friday, February 19, 2021	Thursday, March 18, 2021
Expert discovery completed	Friday, March 19, 2021	Thursday, April 8, 2021
Opening summary judgment briefs	N/A	Thursday, April 29, 2021
Summary judgment oppositions	N/A	Thursday, May 27, 2021
Summary judgment replies	N/A	Thursday, June 10, 2021
Motions objecting to the reliability of an expert's proposed testimony under Rule 702 of the Federal Rules of Evidence	N/A	Thursday, June 17, 2021
Oppositions to motions objecting to the reliability of such experts' proposed testimony under Rule 702 of the Federal Rules of Evidence	N/A	Thursday, July 8, 2021

Replies in support of motions objecting to the reliability of such experts' proposed testimony under Rule 702 of the Federal Rules of Evidence	N/A	Thursday, July 22, 2021
Plaintiffs will initiate the pretrial order materials process to Defendants pursuant to the Court's Individual Practices	N/A	Thursday, June 17, 2021
Parties' submission of a pretrial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a nonjury-trial; or (2) proposed voir dire questions and proposed jury instructions for a jury trial	N/A	Thursday, August 19, 2021
Trial-Ready	N/A	Thursday, September 16, 2021

Respectfully submitted,

Dated: January 22, 2021

/s/ Elizabeth E. Brenckman /s/ Thomas G. Hentoff Gerson A. Zweifach R. David Hosp Thomas G. Hentoff (pro hac vice) Elizabeth E. Brenckman ORRICK, HERRINGTON & SUTCLIFFE LLP Joseph M. Terry (pro hac vice) 51 West 52nd Street Tian Huang (pro hac vice) New York, NY 10019 Jean Ralph Fleurmont (pro hac vice) Tel: (617) 880-1886 WILLIAMS & CONNOLLY LLP (212) 506-3535 725 Twelfth Street, N.W. dhosp@orrick.com Washington, DC. 20005 ebrenckman@orrick.com 650 Fifth Avenue Mark S. Puzella (pro hac vice) **Suite 1500** Sheryl Koval Garko (*pro hac vice*) New York, NY 10019 Caroline Koo Simons 222 Berkeley Street, Suite 2000 Tel: (202) 434-5000 Boston, MA 02116 gzweifach@wc.com Tel: (617) 880-1896 thentoff@wc.com (617) 880-1919 iterry@wc.com mpuzella@orrick.com thuang@wc.com ifleurmont@wc.com sgarko@orrick.com csimons@orrick.com Attorneys for All Plaintiffs Mitchell L. Stoltz **Electronic Frontier Foundation** Paul D. Clement (pro hac vice) Erin E. Murphy (pro hac vice) 815 Eddy Street San Francisco, CA 94109 KIRKLAND & ELLIS LLP Tel: (415) 436-9333 1301 Pennsylvania Avenue, NW mitch@eff.org Washington, DC 20004 Attorneys for Defendants David R. Goodfriend Tel: (202) 389-5000 paul.clement@kirkland.com and Sports Fans Coalition NY, Inc. erin.murphy@kirkland.com Attorneys for Plaintiffs Fox Television Stations, LLC and Fox Broadcasting On this \_\_\_\_ day of January, 2021, Company, LLC Approved By: The Honorable Louis L. Stanton United States District Judge